THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.

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BOMBAY ACT No. XIV OF 1954.[1]

[THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.]

[*23rd March 1954*]

Amended by Bom. 2 of 1955.

An Act to amend and consolidate the law relating to Nurses, Midwives and Health Visitors in the State of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to nurses, midwives and health visitors in the State of Bombay; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay Nurses, Midwives and Health Visitors Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) Parts, I, II, III, V, VI and VII of this Act shall come into force at once in the whole of the State of Bombay and shall apply to all persons referred to therein. Part IV shall come into force on such date and shall apply to such class of persons only in such areas as the State Government may by notification in the *Official Gazette* appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the by-laws ;

(*b*) "by-law" means a by-law made by the Council under section 30 ;

(*c*) "Council" means the Bombay Nursing Council constituted under section 3 ;

(*d*) "institution" includes any association, which maintains or controls a nurses establisl ment ;

(*e*) "licensing authority" in the case of a municipal area means the municipal corporation or the municipality established for such area and in the case of any other area the district local board established for such area :

Provided that the State Government may by notification in the *Official Gazette* in respect of any area specify any other authority as the licensing authority for such area ;

(*f*) "list" means a list of nurses, midwives and health visitors prepared and kept under section 17 ;

(*g*) "nurse" includes a malo nurse [2][and an auxiliary nurse and midwife] ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 98-99.

[2] These words were added by Bom. 2 of 1955, s. 3, Second Schedule.

(*h*) "nurses establishment" means any establishment whether carried on for gain or not, which provides for or is intended to provide the services of persons to act as nurses, midwives or health visitors to those requiring such services ;

(*i*) "prescribed" means prescribed by rules ;

(*j*) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly ;

(*k*) "registered medical practitioner" means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners' Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 ; Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLV-III of 1951.

(*l*) "rule" means a rule made by the State Government under section 29.

PART II.

The Bombay Nursing Council.

Establishment, incorporation and constitution of Council.

3. (*1*) The State Government may, by notification in the *Official Gazette*, establish a Council to be called "the Bombay Nursing Council" for the purpose of carrying out the provisions of this Act. Such Council shall be a body corporate and have perpetual succession and a common seal and may, by the same name, sue and be sued.

(*2*) The Council shall consist of the following twenty-two members,—

(*a*) as *ex-officio* members,—

(*i*) the Surgeon-General with the Government of Bombay ;

(*ii*) the Director of Public Health for the Government of Bombay ;

(*iii*) the Superintendent of Nursing Services, Government of Bombay :

(*b*) as elected members,—

(*i*) one by nurses, midwives and health visitors registered in the register under each of the following regions, namely :—

(*a*) Greater Bombay ;

(*b*) Northern Division ;

(*c*) Central Division ; and

(*d*) Southern Division ;

(*ii*) two persons to be elected by the heads of the affiliated institutions ;

(*iii*) five persons to be elected as follows :—

(*a*) two, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated in Greater Bombay ;

(*b*) three, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated elsewhere in the State of Bombay ;

(*iv*) two persons to be elected by the sister tutors of the affiliated institutions and the heads of Nursing Colleges recognised by the Council in this behalf ;

(*v*) one person to be elected by the Bombay Medical Council ;

(*vi*) one person to be elected by the Co-ordination Committee (by whatever name called) of the local branches in the State of Bombay of the Indian Medical Association ;

(*vii*) one person to be elected by the members of the Faculties of Nursing and, where there are no Faculties of Nursing, by the members of the Faculties of Medicine of the Universities established by law in the State of Bombay, which confer a degree in Nursing ;

(*c*) as nominated members, three persons to be nominated by the State Government.

(*3*) The President and Vice-President of the Council shall be elected from among the members of the Council.

(*4*) The election of the President and Vice-President shall, subject to the provisions of this Act, be held at such time and place and in such manner as may be prescribed by rules made in this behalf.

Appointment of members in default of election.

4. If any of the institutions referred to in section 3 does not, by such date as may be prescribed, elect a person to be a member of the Council, the State Government shall, by order in writing, appoint to the vacancy a person qualified for election thereto ; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said institution.

Period of office of members.

5. (*1*) The members of the Council, other than the *ex-officio* members specified in clause (*a*) of sub-section (*2*) of section 3, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated whichever is longer and shall be eligible for re-election or re-nomination, as the case may be.

(*2*) Any such member may at any time resign his appointment by letter addressed to the President of the Council.

Vacancy.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Vacancy not to affect proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Disqualifications.

8. No person shall be a member of the Council—

(*a*) who has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is

hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(*b*) who is an undischarged insolvent, or

(*c*) who has been adjudicated by a competent court to be of unsound mind, or

(*d*) whose name has been removed from the register.

Disabilities from continuing as member.

9. (*1*) If any member, during the period for which he has been elected or nominated,—

(*a*) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(*b*) is absent out of India for a period exceeding eight consecutive months; or

(*c*) becomes subject to any of the disqualifications specified in section 8; or

(*d*) having been elected by the Bombay Medical Council, ceases to be a registered medical practitioner;

the President of the Council shall forthwith report the fact to the State Government, which shall thereupon, by an order in writing, declare his seat to be vacant.

(*2*) If any question arises whether a vacancy has occurred under sub-section (*1*), the orders of the State Government shall be final for the decision of such question.

Leave of absence to members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.

Elections to be held by distributive system of voting.

11. All elections under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled :

Provided that no voter shall give more than one vote to any one candidate :

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

PART III.

Registration.

Maintenance of register.

12. The Council shall maintain a register of (*a*) nurses, (*b*) midwives, and (*c*) health visitors, consisting of four sections, one each for the following regions, namely,—

(1) Greater Bombay,

(2) Northern Division,

(3) Central Division,

(4) Southern Division,

in such form, containing such particulars and divided into such parts as may be prescribed.

Persons entitled to registration

13. (*1*) Persons who have undergone such courses of training, have passed such examinations and who fulfil such other conditions as may be prescribed shall, on payment of the prescribed fee and on making an application in the prescribed form, be entitled to registration.

(*2*) Such person shall specify in the application the region in which he desires to be registered and shall not be entitled to be registered in more than one region :

Provided that if the person fails to specify the region in which he should be registered, the Council shall have the power to enter his name in such region as may be prescribed by by-laws.

Refusal of registration and removal and re-entry of names.

14. (*1*) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person or may order the removal of the name of such person from the register.

(*2*) The order passed under sub-section (*1*) shall be in writing and shall be served on the person concerned in the prescribed manner.

(*3*) The Council may direct that the name of any person against whom an order under sub-section (*1*) has been passed shall be entered or re-entered in the register, as the case may be.

Appeal from order under section 14.

15. (*1*) Any person aggrieved by any order of the Council made under section 14 may, within three months from the date on which such order is served, appeal against such order to the State Government.

(*2*) The order of the State Government on any such appeal shall be final.

Renewal fee.

16. (*1*) Notwithstanding anything contained in section 13, the Council may direct that for every five years a renewal fee of such amount as may be approved by the State Government shall be paid by each person registered under the Act for the continuance of his name on the register.

(*2*) If the renewal fee is not paid before the date fixed by the Council, the Council shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Council may by by-laws direct.

Maintenance of list of persons practising as nurses, midwives and health visitors.

17. (*1*) The Council shall prepare and keep a list of persons whose names are not entered in the register maintained under section 12 and who are practising as nurses, midwives and health visitors. The list shall be divided into such parts as may be determined by the Council.

(*2*) Every person not being qualified for registration under this Act, who, within the period of two years from the date on which this Part comes into force, proves to the satisfaction of the Council that he has been in regular practice as a nurse, midwife or health visitor and fulfils such other conditions as may be determined by the Council shall on payment of the prescribed fee be entitled to have his name entered in the list :

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any other part of India or from the register of any other country for infamous conduct in any professional respect shall not be entitled to have his name entered in the list.

(*3*) The provisions of sections 14 and 15 shall *mutatis mutandis* apply to this list.

PART IV.

Nurses, midwives and health visitors entitled to practise and control of licensing authorities.

Persons not registered or on the list not to practise as nurse etc.

18. (*1*) No person other than a person registered under this Act or a person whose name is entered in the list shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain as a nurse, midwife or health visitor.

(*2*) Any person who acts in contravention of the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence, and to Rs. 300 for any subsequent offence.

Conditions on practice in certain areas.

19. (*1*) Notwithstanding anything contained in section 18 a person whose name has been entered in the list shall not practise as a nurse, midwife or health visitor in an area within the limits of a municipal corporation or a municipal borough or an area notified under sub-section (*2*), unless he—

(*a*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of five years prior to the date on which this section has come into force, or

(*b*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of two years prior to the date on which this section has come into force and produces a certificate from an institution signed by the Matron, Medical Superintendent or other responsible officer of such institution that such person has received the training as a nurse, mid-wife or health visitor in a prescribed manner.

(*2*) The State Government may, after consultation with the local board of a district by a notification in the *Official Gazette*, direct that the provisions of sub-section (*1*) shall apply on such date as may be specified therein to any other area in the district, subject to such adaptations and modifications as it may consider suitable having regard to the local conditions of the area.

Licensing authority to exercise general supervision.

20. (*1*) Subject to the provisions of this Act and the rules and by-laws made in this behalf, every licensing authority shall exercise general supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction.

(*2*) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of the powers conferred on it by this section and section 21.

Notice to licensing authority before commencement of practice.

21. (*1*) Every person registered under this Act or every person whose name has been entered in the list if he intends to continue to practise after the date on which this Part comes into force in any area or if either of such persons intends to practise in such area as a nurse, midwife or health visitor, he shall give notice in writing to the licensing authority and shall give a like notice to the said authority in the month of January every five years, thereafter during the period he continues to practise within the said area.

(*2*) Every such notice shall contain such particulars and shall be in such form as may be determined by the Council.

(*3*) Any person who fails to comply with the provisions of sub-sections (*1*) and (*2*) shall, on conviction, be punished with fine which may extend to Rs. 25 for the first offence, to Rs. 50 for the second offence and to Rs. 100 for any subsequent offence.

(*4*) Any person who knowingly or wilfully makes or causes or procures any other person to make any false statement in any notice under this section shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence and to Rs. 300 for any subsequent offence.

PART V.

Nurses Establishments.

Regulation of nurses establishments.

22. (*1*) No person shall carry on any nurses establishment, except under a valid licence granted by the licensing authority and in accordance with the terms and conditions specified in such licence, which shall be such as may be approved by the Council.

(*2*) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date and in such manner and in such form as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

(*3*) The licensing authority may before granting such licence impose such additional conditions as it may think fit for securing the proper conduct of the establishment.

(*4*) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence already granted, if—

(*i*) the applicant or the holder of the licence is below 21 years or is in its opinion not a suitable person to hold such licence ; or

(*ii*) the premises of the establishment are not suitable ; or

(*iii*) any offence under this section has been committed in respect of the establishment.

(*5*) Any person aggrieved by any of the conditions imposed by the licensing authority or by the refusal or revocation of any licence may appeal within three months of such imposition, refusal or revocation to the State Government. The memorandum of appeal shall be accompanied by such fee as may be prescribed. The decision of the State Government on such appeal shall be final.

(*6*) The licensing authority may authorise any of its officers to perform any of the duties conferred on it by this section.

(*7*) Any officer duly authorised by the licensing authority in this behalf may at all reasonable times enter the premises specified in any licence or application for licence or any premises which are used, or which the officer has reasonable cause to believe are used, for the purpose of, or in connection with, the nurses establishment and inspect the premises and any records relating to such establishment as may be kept thereon.

(*8*) The Council may also exercise the powers of entry and inspection conferred by sub-section (*7*) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked, it shall report the matter to the State Government. On receipt of such report, the State Government may after consultation with the licensing authority or after making such inquiry as it deems fit pass orders refusing or revoking the licence. Such orders shall be final.

(*9*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

(*10*) Any person who refuses any duly authorised officer of the licensing authority or any such officer of the Council to enter or inspect any premises or to inspect any records under sub-section (*7*) or (*8*), as the case may be, or obstructs such officer in the exercise of his aforesaid powers shall, on conviction, be punished with fine which may extend to Rs. 50 for the first offence and for any subsequent offence with fine which may extend to Rs. 100 or with simple imprisonment for a term which may extend to three months or with both.

(*11*) Any person who makes or causes to be made or knowingly allows to be made any entry in a record to be kept under this section, which he knows to be false in any material particular for any of the purposes of this Act or who makes, produces or furnishes, or knowingly allows to be made, produced or furnished any statement, record or information which he knows to be false in any material particular for the purpose of obtaining a licence under this section or for any other purposes of this Act shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 1,000 or with imprisonment for a term which may extend to six months or with both.

(*12*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

PART VI.

Training Institutions.

Training Institutions.

23. (*1*) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives or health visitors, and to send them for examination for the qualifying certificates of the Council.

(*2*) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

(*3*) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, midwife or health visitor, unless his name is registered or entered in the list under this Act.

(*4*) Any person who contravenes the provisions of sub-section (*3*) shall, on conviction, be punished with fine which may extend to Rs. 300.

(*5*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal against refusal to recognise institutions.

24. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives or health visitors may appeal, within three months from the date of such refusal, to the State Government against such order of refusal. The decision of the State Government on any such appeal shall be final.

PART VII.

Miscellaneous.

Removal of names from register on notice of death.

25. Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register.

Penalty for dishonest use of certificate.

26. Any person who—

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or certificate issued under the provisions of this Act,

shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.

27. Any person who, not being a registered nurse, midwife or health visitor, takes or uses the name or title of registered nurse, midwife or health visitor, or uses any name, title, description, prescribed uniform, object or sign-board with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife or health visitor shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence and for any subsequent offence with fine which may extend to Rs. 200 or with simple imprisonment for a term which may extend to three months or with both.

Court competent to try offences under Act.

28. No court other than a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Power of State Government to make rules.

29. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(*a*) prescribing the manner in which elections and nominations of members of the Council and the elections of the President and Vice-President shall be made and casual vacancies shall be filled under section 6 ;

(*b*) prescribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts in which such register shall be divided under section 12 ;

(*c*) prescribing the courses of training and examinations [1][(including those for auxiliary nurses and midwives)] entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13 ;

(*d*) prescribing the causes for which, the conditions under which, and the manner in which the names of nurses, midwives and health visitors may be removed or re-entered in the register under section 14 and the manner in which the order of removal or refusal shall be served on such persons ;

(*e*) the course of instruction for and the manner in which training is required to be received by a person as a nurse, midwife or health visitor for the purpose of section 19 ;

[1] These brackets and words were inserted by Bom. 2 of 1955, s. 3, Second Schedule.

(*f*) prescribing the matters and manner in which and the conditions under which a licensing authority shall exercise supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction under section 20;

(*g*) the date before which and the manner and form in which application for a licence for any nurses establishment shall be made under section 22 ;

(*h*) the manner in which an order of withdrawal or recognition of an institution shall be served under section 23 ;

(*i*) prescribing the fees payable for entering the name of any person in the list under sub-section (*2*) of section 17 and in respect of an appeal under section 15 or 24 ; and

(*j*) any matter which is to be or may be prescribed.

Power of Council to make by-laws.

30. (*1*) The Council may make by-laws not inconsistent with this Act or the rules—

(*a*) for regulating the compilation, maintenance and publication of the register or list and the conditions of admission to the register or list;

(*b*) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matter ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examinations shall undergo;

(*c*) for determining the manner in which the list shall be maintained, the conditions which shall be fulfilled by persons whose names are to be entered in the list, the qualifying examination to be passed by persons whose names are entered in the list and for regulating the conduct of such examinations;

(*d*) for the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations;

(*e*) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council;

(*f*) for appointing a Registrar and such other servants as may be necessary;

(*g*) for regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (*f*);

(*h*) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration;

(*i*) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors and by persons whose names are entered in the list;

(*j*) for regulating the publication of the names of registered nurses, midwives and health visitors and of persons whose names are entered in the list and their residence;

(*k*) for regulating the conditions under which such nurses, midwives and health visitors registered in other States or other countries may be admitted to the register, on such other States and countries granting reciprocal registration to persons registered on the register of the Council;

(*l*) for determining the form and the manner in which notices under section 21 shall be given ;

(*m*) for determining the manner of inspection of the nurses establishments by the Council, the statements to be furnished and records to be maintained by such establishments ;

(*n*) for regulating the summoning of meetings of the Council and its proceedings ;

(*o*) for determining the manner in which all fees levied under this Act and all moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council generally ;

(*p*) for prescribing the travelling and other expenses payable to the members of the Council or of committees ;

(*q*) for the transfer of names of persons registered from one region to another region ; and

(*r*) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act.

(*2*) No by-law made by the Council shall come into force until it has been confirmed by the State Government, with or without modification or amendment.

(*3*) All by-laws made under this section shall be published in the *Official Gazette*.

Protection of persons acting in good faith, under the Act, rules or by-laws.

31. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

Control.

32. (*1*) If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purposes of this Act until a new Council shall have been constituted under section 3.

(*2*) When the State Government has dissolved the Council under sub-section (*1*), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (*1*) shall revest in the Council so constituted.

(*3*) Notwithstanding anything contained in this Act, rules or by-laws, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding 6 months and subject to such conditions as it thinks fit.

Bom VII of 1935. **33.** (*1*) The Bombay Nurses, Midwives, and Health Visitors Registration Act, 1935, is hereby repealed. Repeal

(*2*) Nothing in sub-section (*1*) shall affect the composition of the Council as constituted under the Act so repealed (hereinafter referred to as the said Act) immediately before the date of the coming into force of this Part (hereinafter referred to as the said date) and any casual vacancy in the office of a member, President or Vice-President of the Council before the expiry of its term shall, subject to the provisions of the said Act, be filled as if Parts I, II and VII of this Act had not come into force :

Provided that the Council as constituted under the said Act shall be deemed to have been constituted under Part II of this Act and shall continue to exercise the powers and perform the duties of the Council under this Act until the expiry of the term for which it was so constituted.

(*3*) (*a*) The nurses, midwives and health visitors who immediately before the said date were enrolled on the register maintained under the said Act shall be deemed to be registered in the appropriate regions and parts of the register maintained under this Act.

(*b*) The institutions which immediately before the said date were approved and recognised by the Council to train nurses, midwives or health visitors or were affiliated institutions under the said Act shall be deemed to be likewise approved and recognised institutions or affiliated institutions, as the case may be, under this Act.

(*4*) Every appointment, order, rule, by-law, form, notification or notice made, issued or given under the said Act, in so far as it is not inconsistent with the provisions of this Act, shall continue to be in force and be deemed to have been made, issued or given under the provisions of this Act, unless and until it is superseded by any appointment, order, rule, by-law, form, notification or notice made, issued or given under this Act.

(*5*) Nothing in sub-section (*1*) shall affect any legal proceeding or remedy in respect of any right, title, interest, obligation or liability or anything done or suffered before the said date and any such proceeding shall be continued and disposed of as if this Act was not passed.

(*6*) Any reference to the Bombay Nurses, Midwives and Health Visitors Council in any law for the time being in force shall be construed as a reference to the Bombay Nursing Council.